

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Addie E. Leitzen,

File No.: 10-CV-3104 DWF/SER

Plaintiff,

REPORT AND RECOMMENDATION

v.

Michael J. Astrue,
Commissioner of Social Security,

Defendant.

Daniel S. Rethmeier, Esq., Rethmeier Law Firm, PLLC, P.O. Box 754, Saint Cloud,
Minnesota 56302, on behalf of Plaintiff.

STEVEN E. RAU, United States Magistrate Judge

On April 14, 2011, the Court issued an Order denying Plaintiff Leitzen's Amended Application for Leave to Proceed IFP [Doc. No. 5] and requiring Plaintiff Leitzen to tender the full \$350.00 filing fee within 60 days [Doc. No. 8]. The Order further advised that the Court would recommend dismissal without prejudice for lack of prosecution pursuant to Fed. R. Civ. P. 41(b) if Leitzen failed to comply. *Id.* To date, 112 days have passed since the Court issued its Order and Leitzen has not paid the \$350.00 filing fee. Accordingly, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED without prejudice** for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

Dated: August 4, 2011

s/ Steven E. Rau
STEVEN E. RAU
United States Magistrate Judge

Under D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by **August 18, 2011**, a writing which specifically identifies those portions of this Report to which objections are made and the basis of those objections. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. A party may respond to the objecting party's brief within ten days after service thereof. A judge shall make a de novo determination of those portions to which objection is made. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable to the Court of Appeals.